IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

Crl.Rev.Pet.No. 1912 of 2005(D)

CRA.996/2004 of VI ADDL.SESSIONS COURT, ERNAKULAM
CC.918/2002 of JUDL.MAGISTRATE OF FIRST CLASS-II, ALUVA

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REVN. PETITIONER: APPELLANT/ACCUSED:

H. LUCKMAN, REEJA MANZIL,
THEKKEVILA, KOLLAM,
(PROPRIETOR OF RAJA REEJA TRAVELS,
VENDOR JUNCTION, VADAKKEVILA P.O., KOLLAM.).

BY ADV. DR.K.P.SATHEESAN
SRI.K.K.GOPINATHAN NAIR
SRI.M.R.JAYAPRASAD
SRI.K.K.RAJEEV

RESPONDENTS: COMPLAINANT & STATE:

1. RAMESH CHANDRAN. M.,
S/O. T.K. MADHAVAN, ALUMOOTTIL VEEDU,
H.NO.XI/738, THRIKKAKARA P.O.,
KAKKANAD, KOCHI.

2. STATE OF KERALA REPRESENTED BY
THE DIRECTOR OF PUBLIC PROSECUTIONS,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI.N.N.SUGUNAPALAN (SR.)
SRI.S.SUJIN
ADV. SRI. AMJAD ALI, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING BEEN FINALLY HEARD ON 19/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

ORDER ON CRL. M.A. NO. 13020/2005 IN CRL. R.P. NO. 1912/2005

DISMISSED

19.02.2007 SD/- K.R.UDAYABHANU, JUDGE

/True Copy/

P.A. to Judge.

K.R. UDAYABHANU, J

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CRL. R.P. NO. 1912 OF 2005

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Dated this the 19th day of February 2007

O R D E R

The revision petitioner stands convicted for the offence under 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for three months and to pay a sum of Rs. 3,60,000/- to the complainant as compensation and in default to undergo simple imprisonment for three months.

2. At the time of hearing the counsel for the revision petitioner has sought for modification of sentence and for time to make the payment. In the circumstances, the sentence is modified to imprisonment till rising of the court and to pay a sum of Rs. 3,60,000/- less the amount already deposited as compensation under section 357(3) Cr.P.C and in default to undergo simple imprisonment for three months. Rs.50,000/- of the compensation amount shall be paid within one month from today. The revision petitioner is granted six months time from today onwards to make the balance payment. He shall appear

before the Judicial First Class Magistrate, Aluva on **20.08.2007** to receive sentence. The compensation amount if paid will be taken note of at the time of execution of the decree in the civil suit if both the matters are with respect to the same transaction. The amount in deposit will be released to the complainant.

The Crl. R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

RV